

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FERNANDO NAVARRETE and
EDUARDO FLORES,

Plaintiffs,

v.

JQS PROPERTY MAINTENANCE, and
JOSEPH G. CARPENTER, individually,

Defendants.

Case No. 07-cv-6164
Judge Darrah

Magistrate Judge Cole

NOTICE OF FILING REPORT OF PARTIES' PLANNING MEETING

PLEASE TAKE NOTICE that on January 15, 2008, there was filed with the Clerk of the United States District Court, Northern District of Illinois, Eastern Division, the Report of Parties' Planning Meeting, copies of which are attached and hereby served upon you.

Respectfully submitted,

/s/ Marc J. Siegel
Attorney for Plaintiffs

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REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f), a telephone conference was held on January 11, 2008, and was attended by:

- a. Lorraine T. Peeters for Plaintiffs.
- b. Jacqueline Lower & James P. Harrison for Defendants.

2. Description of Claims.

- a. Plaintiffs' Claims. This lawsuit arises under the Fair Labor Standards Act, 29 U.S.C. §201, *et seq.* ("FLSA"), the Illinois Minimum Wage Law, 820 Ill. Comp. Stat. 105/1 *et seq.* ("IMWL"), and the Illinois Wage Payment and Collection Act, 820 Ill. Comp. Stat. 115/1 *et seq.* ("IWPCA") for Defendant's alleged failure to pay overtime and other wages to Plaintiffs.
- b. Defendants' Defenses. Defendants have answered Plaintiffs' Complaint, and have asserted various affirmative defenses.

3. Prospects of Settlement.

- a. Plaintiffs sent Defendants a settlement demand on November 30, 2007. Defendants have rejected the demand.
- b. Plaintiffs believe that there is clear liability and are willing to attend a settlement conference only after Defendants have made a substantial offer.
- c. Defendant plans to serve a Rule 68 offer of judgment upon Plaintiffs.

4. Pre-Discovery Disclosures.
 - a. Defendants made their Rule 26(a)(1) initial disclosures on January 3, 2008.
 - b. Per the parties' agreement, Plaintiffs will make their Rule 26(a)(1) disclosures pending receipt and review of the Defendants' Rule 68 offer of judgment.
5. Discovery Plan. The parties jointly propose to the court the following discovery plan:
 - a. Discovery will be needed on any areas relevant to the allegations in Plaintiffs' Complaint and Defendants' Answer and Affirmative Defenses to Plaintiffs' Complaint.
 - b. All discovery commenced in time to be completed by June 13, 2008.
 - c. Discovery will be governed by the Federal Rules of Civil Procedure.
 - d. Reports from retained experts under Rule 26(a)(2) due:
 - i. Plaintiffs do not anticipate retaining expert witnesses at this time.
 - ii. Defendants do not anticipate retaining expert witnesses at this time.
6. Pretrial/Trial Plan.
 - a. Final Pretrial Order (in the form required by Local Rule 16.1(a)) should be done by 90 days after the Court rules on any potential dispositive motions.
 - b. Plaintiff has not requested trial by jury.
 - c. The case should be ready for trial 120 days after the court rules on any potential dispositive motions, or 120 days after the dispositive motion due date, if none are filed. At this time it is expected to take approximately 2-4 days for trial
7. Magistrate Judge Consent.
 - a. At this time, the parties are not willing to consent to have all proceedings, including trial and entry of final judgment take place before the magistrate judge.
8. Other Matters.

- a. There is currently a status hearing set for January 22, 2008.
- b. Defendants' Motion to Transfer Venue is currently pending and will be resolved at the January 22, 2008 status.
- c. Parties should be allowed until January 31, 2008, to join additional parties and amend the pleadings.
- d. All potential dispositive motions should be filed by July 18, 2008. All responses to dispositive motions should be filed by August 15, 2008. All replies should be filed by August 29, 2008.

Date: January 15, 2008

FOR PLAINTIFFS

/s/ Marc J. Siegel

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FOR DEFENDANTS

/s/ James Harrison

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that he caused a copy of the attached, Report of Parties' Planning Meeting, to be served upon the party below by electronically filing with the Clerk of the U.S. District Court of the Northern District of Illinois on January 11, 2008.

James T. Harrison
Harrison Law Offices, P.C.
684 S. Eastwood Dr.
Woodstock, IL 60098

Courtesy copies delivered to Judge Darrah via hand delivery.

/s/ Marc J. Siegel
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